



Environmental Fact Sheet

EPA Proposes Concentration-Based Treatment Standards for Hazardous Constituents Found in Characteristic Wastes Managed in Clean Water Act Systems

This proposal presents innovative compliance options for meeting requirements posed by CEM v. EPA, and addresses ways to interact overlapping requirements under the Clean Water Act, and the Resource Conservation and Recovery Act statutes to avoid duplication.

Background

This proposed rule primarily addresses issues arising from the D.C. Circuit Court's opinion on the Third Third Standards for Ignitable, Corrosive, and Reactive Wastes (CWM v. EPA, 976 F. 2d 2). In that opinion, the Court held that the deactivation standard for ignitable and corrosive wastes did not fully comply with RCRA because it could be achieved by dilution, and dilution fails to destroy or remove the hazardous constituents that can be present in the wastes.

In addition to responding to the Court ruling, the statutory schedule for land disposal

restriction (LDR) rules covered by the Hazardous and Solid Waste Amendments was completed on May 8, 1984. A number of wastes, however, have been brought into the system since 1984 and LDR treatment standards must also be promulgated for these wastes. This proposed rule fulfills the requirements of a proposed consent decree with the Environmental Defense Fund and a settlement agreement with the Environmental Technology Council and a number of environmental groups including the Natural Resources Defense Council.

Action

This notice proposes concentration-based treatment standards for underlying hazardous constituents found in deactivated ignitable, corrosive, reactive and toxicity characteristic (TC) wastes managed in Clean Water Act (CWA) and CWA-equivalent treatment systems or injected into Underground Injection Control (UIC) Class I nonhazardous injections wells regulated under the Safe Drinking Water Act. The rule also proposes treatment standards for the newly listed spent aluminum potliner, organobromine and carbamate wastes. The Agency is also proposing that hazardous waste be prohibited from use as fill material. Additionally, the rule proposes improvements to the LDR program such as filling gaps in the Universal Treatment Standards promulgated in the LDR Phase II rule.

Contact

For further information, or to order a copy of the *Federal Register* Notice, please call the RCRA Hotline Monday through Friday, 8:30 a.m. to 3:30 p.m., EST. The national toll-free number is (800) 424-9346; for the hearing impaired it is (TDD) (800) 553-7672. In the Washington D.C. metro area the number is (703) 920-9810 or (TDD) (703) 486-3323. Or write to the RCRA Information Center (5305), US EPA, 401 M Street, SW, Washington, D.C. 20460.